

**IN THE UNITED STATES
DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

FRED W. ALLNUT	*	CASE NO.:1:10-CV-01739-RDB
Appellant		
	*	Appeal From Bankruptcy
v.		Case No. 08-26485NVA
	*	
MICHAEL G. RINN,		
Appellee	*	

* * * * *

**STATEMENT OF MICHAEL G. RINN, CHAPTER 7 TRUSTEE,
ERRONEOUSLY DESIGNATED AS APPELLEE**

NOW Comes Michael G. Rinn, Chapter 7 Trustee, (“ Chapter 7 Trustee’) erroneously designated as Appellee and respectfully submits:

1. As set forth in the record in Bankruptcy Case No. 08- 26485NVA, the dismissal of Case No. 08- 26485NVA the United States Bankruptcy Court for the District of Maryland was a ministerial act of the United States Bankruptcy Court for the District of Maryland. This Dispute did not arise in the context of an adversary proceeding nor contested matter prosecuted by the Chapter 7 Trustee. Accordingly the Chapter 7 Trustee is not a proper nor requisite party to this Appeal and submits all issues are as set forth and contained in the record Case No. 08-26485NVA the United States Bankruptcy Court for the District of Maryland and that the Chapter 7 Trustee is erroneously designated as Appellee.

2. Further the Appellant, on June 28, 2010, simultaneously with the filing of the Notice of Appeal from Bankruptcy Court Case No. 08- 26485NVA, presently before this Honorable Court, filed a voluntary Chapter 7 proceeding in the United States Bankruptcy Court for the District of Maryland. Said case is currently pending and proceeding in the United States Bankruptcy Court for the District of Maryland captioned *In Re: Fred Waters Allnut Case No. 10-24504NVA*. The concurrent filing of *In Re: Fred Waters Allnut Case No. 10-24504NVA* in the United States Bankruptcy Court for the District of Maryland, would appear to render the matter presently before this Court as moot.

Respectfully Submitted;

Date: August 25, 2010

/s/ Michael G. Rinn
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August, 2010 a copy of the foregoing was mailed, first class mail, postage prepaid to:

Fred Waters Allnutt
10370 Baltimore National Pike
Ellicott City, MD 21042

/s/ Michael G. Rinn
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